

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BILLY HOWARD,

Plaintiff,

v.

KERN COUNTY LERDO FACILITY  
MEDICAL CHIEF, et al.,

Defendants.

Case No. 1:21-cv-00931-JLT-CDB (PC)

**ORDER LIFTING PREVIOUSLY  
IMPOSED STAY**

**ORDER DIRECTING CLERK OF THE  
COURT TO ISSUE DISCOVERY AND  
SCHEDULING ORDER**

Plaintiff Billy Howard is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 9, 2023, this Court issued its Order Referring Case to Post-Screening ADR and Staying Case for 90 Days. (Doc. 41.) The Court ordered the parties to file notice, within 45 days, indicating whether they believed an early settlement conference would be productive in this matter. (*Id.* at 2.)

On December 4, 2023, Plaintiff filed notice indicating his wish to engage in early settlement negotiations. (Doc. 42.) On December 22, 2023, Defendants filed notice indicating they did not wish to participate in an early settlement conference. (Doc. 43.)

Because all parties do not agree an early settlement conference would be productive, the Court will lift the previously imposed stay and issue a discovery and scheduling order.

**CONCLUSION AND ORDER**

Accordingly, **IT IS HEREBY ORDERED** that:

1. The previously imposed 90-day stay of this is action (Doc. 41) is **LIFTED**; and
2. The Clerk of the Court is **DIRECTED** to issue a discovery and scheduling order in this matter.

IT IS SO ORDERED.

Dated: **January 2, 2024**

  
UNITED STATES MAGISTRATE JUDGE